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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,331	03/09/2004	H. Thomas Graef	D-1222 R5	4299

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EXAMINER

KUMAR, RAKESH

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/797,331		GRAEF ET AL.	
	Examiner		Art Unit	
	Rakesh Kumar		3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-6 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weigel et al. (U.S. Patent Number 5,234,209).

3. Referring to claims 2, 3, 16, 18, 20 and 21. Weigel discloses a dispensing unit for paper currency (Figure 1), wherein the apparatus includes a media presenter (10) wherein the presenter is adapted for use in an automated banking machine to receive currency notes taken from at least one currency container (14) and move the currency note to a user access area (outside housing 12) during a currency note dispensing, wherein the presenter includes a housing (12; Figure 1), wherein the housing (12) includes an outlet (24), wherein the outlet is sized to have the currency note stack pass therethrough, wherein the presenter (10) includes a gate arrangement (44, 48), wherein the gate arrangement (44, 48) includes a gate (42), wherein the gate (42) is movable between a closed position (Figure 6) and an open position (dashed lines; 44, 48; Figure 5), wherein in the closed position the gate prevents passage of the currency note stack

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through the outlet (24), wherein in the open position the gate (42) permits the currency note stack to pass through and out the outlet (24),

wherein the gate arrangement includes at least one cam arm (60; Figure 5 and 6), wherein the at least one cam arm (60) is connected to the gate (42), wherein movement of the at least one cam arm (60) is operative to move the gate between the closed position and the open position (see movement of cam arm 60 in Figure 5),

wherein the gate (42) is arranged to move in an upward direction during movement toward the open position (see Figure 5).

wherein the gate arrangement includes an actuator comprising at least one actuator lever (66), wherein a first cam (arm of member 60 attached to member 66) of the at least one cam arm (60) is located adjacent to a first lever (66) of the at least one lever (66), wherein the first lever (66) is movable relative to the first cam arm (60), wherein actuation (by actuation of lever 132) of the at least one lever (66) is operative to move the at least one cam arm (60). wherein the gate (42) arrangement includes at least one slot (70) and at least one pin (68), wherein a first pin (68) of the at least one pin (68) is arranged to relatively move in a first slot (70) of the at least one slot (70) during the actuation.

Weigel does not disclose moving the currency notes together as a currency note stack.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Weigel to include moving the currency

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notes in a stack because a currency order could be ejected out of the dispensing units as a single stack thus easier to remove by the user.

Regarding claims 17 and 19, although Weigel does not explicitly disclose a method of using his apparatus, the method steps recited in the claim above would inherently be performed when using the apparatus of Weigel in its usual and expected fashion.

4. Regarding claim 4, Weigel discloses an apparatus wherein the arm (60) includes a first arm end (58) and a second arm end (64), wherein the first arm end (58) is connected to the gate (42), wherein the second arm end (64) includes a pivot axis (see axis through member 62), wherein the arm is operative to pivot about the pivot axis (62).

5. Regarding claim 5, Weigel discloses an apparatus wherein the lever (66) is linked with the arm (60), wherein the lever (66) includes the slot (70), wherein the arm (60) includes the pin (68).

6. Regarding claim 6, Weigel discloses an apparatus wherein the slot (70) is angled upward (see Figure 5), wherein the pin (68) is operative to move upward in the slot (70), wherein the gate correspondingly moves in an opening direction as the pin (68) moves upward in the slot (70).

7. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Weigel as applied to claim 2 above, and further in view of Ebihara (U.S. Patent Number 4,787,617).

8. Referring to claim 7. See above. Weigel discloses a dispensing unit for paper currency (Figure 1), wherein the apparatus includes a media presenter (10) wherein the presenter includes a roller shaft (see roller shaft at center of rollers 28 and 22; Figure 1) having plural rollers thereon, wherein the roller shaft is located adjacent the outlet (24), wherein each roller includes an outer circumferential surface.

Weigel does not disclose the outer circumferential surface of the rollers as being tapered from the center of the rollers.

Ebihara discloses an dispensing apparatus wherein the presenter includes a roller shaft having plural rollers (13) thereon, wherein each roller includes an outer circumferential surface having a center portion and tapering portions (Figure 4), wherein the center portion is located between tapering portions, wherein the diameter of each tapering portion (surface of roller 13) narrows in a direction extending away from the center portion (Figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Weigel to include multiple rollers, each surface profile which is tapered to both sides of the rollers as taught by Ebihara. As a result multiple tapered rollers would provide a better surface contact and reduce slippage as the media is being dispensed through the outlet.

9. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Weigel in view of Ebihara as applied to claim 7 above, and further in view of Adelberger (U.S. Patent Number 4,462,509).

10. Referring to claim 8. Adelberger discloses a currency dispenser apparatus wherein the presenter includes a plurality of belts (100-103), wherein each center portion supports a belt thereon (Figure 5 and 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Weigel to include a plurality of belts supported on the center portion of the roller as taught by Adelberger because the belts would be harder to derail off the center of the rollers and in addition provide a continuous contact point with the currency as the currency is moved over the rollers to the outlet through the opening.

11. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weigel in view of Ebihara in view of Adelberger as applied to claim 8 above, and further in view of Meyer et al. (U.S. Patent Number 5,797,599).

12. Referring to claims 9-11. See above. Meyer discloses an apparatus wherein the presenter includes at least one rail (30), wherein the at least one rail (30) (Figure 3) has a flexible end (belt 30) adjacent the outlet (72), wherein the presenter is operative to

pass notes (132) between at least one flexible end and the rollers (144; see Figure 11), wherein the positional relationship of the at least one flexible end (belt 30) and the rollers (144) is operative to impart a wavy configuration (Figure 2) to notes passing there between and dispense the media to outlet (72; Figure 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Weige in view of Ebihara in view of Adelberger to include a belt rail to act as a conveyor to dispense notes from one end of the media presenter to the outlet as taught by Meyers because a continuous belt rail conveyor will provide better control of the moving currency notes as each of the notes is removed and conveyed through the apparatus, thus preventing jamming of the notes in the transition.

Allowable Subject Matter

13. Claims 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 08/25/2006 have been fully considered but they are not persuasive. See rejections above.

The Applicant argues, "Weigel does not teach a presenter." In view of the Office the dispensing apparatus of Weigel discloses the dispensing of currency through an opening concealed by gate (42), thus this dispensing is considered to be presenting the currency outside the housing of the dispenser, as a result is considered to be a currency presenter.

In response to applicant's argument that Weigel is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Weigel discloses a dispensing unit for paper currency, which is considered to be analogous art.

Regarding claim 2, the Applicant argues, "Weigel does not teach a presenter that can receive currency notes taken from a currency container." In the view of the Office Weigel teaches of receiving currency from a stack of bill in a container (14; Col. 5 line 5; Weigel). In regards to the "presenter housing outlet," gate (42) acts as an outlet to allow passage of currency through the outlet (between rollers 28 and 22).

Regarding claim 18, the Applicant argues, "where does the alleged pin (68) slide upwards in and along the alleged slot (70)." Directing the Applicants attention to Figure 5 (Weigel), slot is aligned in a slightly upward angle pin (68) moves within this angled slot thus the pin slides upwardly.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Weigel uses rollers to dispense currency notes, Ebihara uses inclined rollers to obtain a better contact with the notes being dispensed. It would have been obvious for one skilled in the art at the time the invention was made to modify the teaching of Weigel to include inclined rollers as taught by Ebihara in the apparatus of Weigel.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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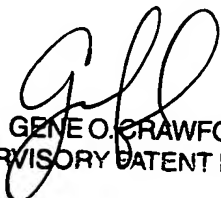
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RK
November 10, 2006


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SUPERVISORY PATENT EXAMINER